

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

AARON PAUL McLENDON

PLAINTIFF

v.

CIVIL ACTION NO. 2:23-cv-13-TBM-RPM

DON HOPKINS *and* JEROME JACKSON

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the submission of the Report and Recommendation [22] entered by United States Magistrate Robert P. Myers on November 2, 2023. Judge Myers recommends granting the Defendants' Motion for Judgment on the Pleadings [20] and dismissing McLendon's claims with prejudice to their being asserted again until the conditions set forth in *Heck v. Humphrey*, 512 U.S. 477 (1994), are met. McLendon has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.¹

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); see *Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) ("When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error") (citing *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir.

¹ A copy of the Report and Recommendation [22] was mailed to McLendon at the address listed on the docket on November 2, 2023. Although it is McLendon's responsibility to notify the Court of any address changes, a copy of the Report and Recommendation [22] was also mailed to McLendon at Jefferson/Franklin County Correctional Facility in Fayette, Mississippi, where he is currently housed according to the Mississippi Department of Corrections. See Inmate Details, Aaron McLendon, available at <https://www.ms.gov/mdoc/inmate/Search/GetDetails/L5236> (last accessed Nov. 28, 2023).

1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Myers' Report and Recommendation, the Court finds that it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [22] entered by United States Magistrate Robert P. Myers on November 2, 2023, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that the claims asserted in Aaron Paul McLendon's Complaint [1] are DISMISSED WITH PREJUDICE to their being asserted again until the conditions set forth in *Heck v. Humphrey*, 512 U.S. 477 (1994), are met.

THIS, the 30th day of November, 2023.



TAYLOR B. MCNEEL
UNITED STATES DISTRICT JUDGE